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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,062	04/20/2000	Richard R. Reisman	RRR-00-007US	5601

7590 08/13/2003

WESTERLUND & POWELL, P.C.
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SUITE 100
ALEXANDRIA, VA 22314-2886

EXAMINER

PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 08/13/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/556,062

Applicant(s)

REISMAN, RICHARD R.

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/07/03 - Preliminary Amendment A.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 116-151 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 116-151 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 119, 131, and 143, recites the limitation "the second first fixed content".

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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2. Claims 116-118, 122-127, 128-130, 134-142, and 146-151 are rejected under 35 U.S.C. 102(e) as being anticipated by *Poulter et al.*, (US 5,559,936).

As per claims 116, 128, and 140, *Poulter* teaches a method for distributing content to a user station (10, Fig.1), comprising:

- providing a first portable storage medium (CD-ROM, col.5, lines 28-30), the first portable storage medium including first fixed-content (brochure details, col. 1, lines 61-67, col. 5, lines 37-46) and computer executable software (col. 1, lines 36-40, col. 8, lines 24-34);
- wherein when the first portable storage medium is used at the user station, the computer executable software can be installed on the user station to (col. 1, lines 34-53) (i) enable a user at the user station to access first remote content from a first remote content source, the first remote content relating to the first fixed content (col. 1, lines 54-60, col. 2, lines 17-29) and (ii) enable the use to access second remote content from a second remote content source, the second remote content relating to second fixed content, the second fixed content being different from the first fixed content (col. 6, lines 53-col. 7, lines 1-7), and the second fixed content being included on a second portable storage (updated CD-ROM sent to user, Abstract, col. 2, lines 13-16, col. 5, lines 66-col. 6, lines 1-3, col. 14, lines 2-59)



col. 12
cookie ID
allowing the
user
transporter

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3. *Poulter* teaches a method of distributing a CD-ROM directly to the user containing brochures of manufacturer and product details. The user loads the CD-ROM in a CD-ROM drive located at the user's station. An automatic load program is executed that allows the user to access and read the text or visual images loaded on the CD-ROM. A feature of the CD-ROM is a program that allows the user to access (first) remote content related to the current CD-ROM via a modem. The user is able to access a remote master database to obtain more information about any product on the current CD-ROM (access first remote content from a first remote content source, the first remote content relating to the first fixed content, col. 6, lines 8-58). While the user is connected to the remote database – a visible icon could be displayed highlighting updated information (second content different from the first content) about manufacturer and product details that were not available on the current CD-ROM (col. 6, lines 58-64, col. 14, lines 2-14). The user could click on this icon to retrieve or view the updates (156, Fig. 13). Eventually, this updated information containing the latest copy on the database is sent to the user as the updated CD-ROM (second portable storage, col. 14, lines 15-59). *Poulter* is allowing the user to access updated information (second content) via the remote master database before the updated CD-ROM (second portable storage) containing the updated information (second content) is sent to the user. This is to ensure that updated information (second content) not stored on the current CD-ROM (first portable storage with first content) in the user's possession is always available to the user via a remote source.

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4. As per claims 117, 129, and 141, *Poulter* teaches wherein the first portable storage medium further includes a specification of predefined transport tasks, and wherein the user station initiates connections to the first remote content source in accordance with the predefined transport tasks. (col. 1, lines 34-60 and col. 2, lines 17-29)

5. As per claims 118, 130, and 142, *Poulter* teaches wherein the first remote content is provided to the user with a first look and feel specific to the first fixed content (current CD-ROM) and wherein the second remote content is provided to the user with a second look and feel specific to the second fixed content (updated CD-ROM inherently with a different look than the first content).

6. As per claims 122, 134, and 146, *Poulter* teaches wherein the computer executable software can be installed on the user station to (iii) establish connections between the user station and the first and second remote content sources.

7. As per claims 123, 135, and 147, *Poulter* teaches wherein the connections are based on events that are initiated by the user.

8. As per claims 124, 136, and 148, *Poulter* teaches wherein the connections are based on events that are initiated by the first fixed content and the second fixed content if the data needs to be updated. (Fig.2)

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9. As per claims 125, 137, and 149, *Poulter* teaches wherein the details associated with the connections are transparent to the user.

10. As per claims 126, 138, and 150, *Poulter* teaches wherein the first fixed content can be presented to the user together with the first remote content in such a manner that the user perceives a seamless integration of the first fixed content and the first remote content and wherein the second fixed content can be presented to the user together with the second remote content in such a manner that the user perceives a seamless integration of the second fixed content and the second remote content.

Specifically, when the user selects to view the updated information thereby switching from the first content to the second content, such integration is seamless to the user.

11. As per claims 127, 139, and 151, *Poulter* inherently teaches wherein the first portable storage medium further includes link data identifying the first remote content source.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 119-121, 131-133, and 143-145 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Poulter et al.*, (US 5,559,936).

13. As per claims 119, 131, and 143, *Poulter* does not clearly teach wherein the first look and feel is customized by an author of the first fixed content and wherein the second look and feel is customized by an author of the second [first] fixed content. Specifically, the updated information (second content) retrieved by the user as it relates to the first content does not depend upon a specific author of the second content. Nonetheless, it would have been obvious to one of ordinary skill that the look and feel of the current CD-ROM and subsequent CD-ROMs would have a look and feel as it relates to particular brochures of different manufacturers and products. Furthermore, one of ordinary skill would readily recognize that *Poulter's* CD-ROM system does not have to be specific to one author and *Poulter's* would have been motivated to have more than one program author for the CD-ROMs because it would be more efficient.

14. As per claims 120, 121, 132, 133, 144, and 145, *Poulter* does not expressly teach that when the user accesses the remote source each of the first remote content and the second remote content includes a web page coded in a markup language. However, *Poulter* would have been motivated to implement the first and second remote content on web pages in order to provide a simpler way for the user to access and view the remote source. Further, one of ordinary skill would readily recognize that providing

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content via a web page would add flexibility to *Poulter's* system without departing from the scope of the invention of providing available updated information for user remotely.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal communications intended for entry should be sent to:

(703) 872-9306 or (703) 746-7238, After Final (703) 746-7239

or, for informal or draft communications, to:

(703) 746-7240 (please label "PROPOSED" or "DRAFT").

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Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor

(Receptionist).

A handwritten signature in cursive script, appearing to read "Tammara Peyton".

Tammara Peyton

August 6, 2003